

1 Raffi Leon George (Estate) Case No. 04CEPR01552
Attorney Simonian, Jeffrey D (for Leon Y. George and Armen L. George – Administrators)
Order to Show Cause

		<p>LEON Y. GEORGE (Deceased), father, and ARMEN L. GEORGE, brother, were appointed as Co-Administrators with Full IAEA without bond and Letters issued on 1-25-05.</p> <p>Inventory and Appraisal Partial No. 1 was filed on 01/09/2015 indicating real property valued at \$160,000.00 and personal property valued at \$1,500.00.</p> <p>Final Inventory and Appraisal Partial No. 2 was filed 04/20/2015 indicating personal property valued at \$139,728.83</p> <p>Minute Order of 10/29/2015 set this Order to Show Cause. Minute Order states: Mr. Simonian represents that he has been unable to contact Armen George. The Court vacates its previously stayed sanctions with the reservation of reinstating them. The Court issues an Order to Show Cause as to Armen L. George for failure to file a first or final account. Mr. George is ordered to be personally present in court or via Courtcall on 11/16/2015 if the petition is not filed by 11/12/2015. Should the petition be filed by 11/12/2015, then no appearances are necessary on 11/16/2015.</p> <p>Clerk's Certificate of Mailing was mailed to Armen L. George on 10/30/2015.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First and/or Final Account.</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LV</p> <p>Reviewed on: 11/12/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – George</p>	

Attorney Heather H. Kruthers (for Public Guardian, Conservator)

**Fourth Account Current and Report of Conservator and Petition for
Allowance of Compensation to Conservator and Attorney**

			PUBLIC GUARDIAN , Conservator of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Account period: 8/1/2013 – 7/31/2015	
Cont. from			Accounting - \$ 92,161.52	
			Beginning POH - \$ 12,462.19	
			Ending POH - \$23,807.39	
			(\$22,457.39 is cash)	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.		Conservator - \$ 512.08	
<input checked="" type="checkbox"/>	Verified		(5.50 Deputy hours @ \$96/hr and .98 Staff hours @ \$76/hr)	
	Inventory			
	PTC			
	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg		Attorney - \$1,250.00	
<input checked="" type="checkbox"/>	Aff.Mail	W/	(less than \$2,500.00 allowed per Local Rule)	
	Aff.Pub.			
	Sp.Ntc.		Bond fee - \$50.00 (o.k.)	
	Pers.Serv.			
	Conf. Screen		Petitioner prays for an Order:	
	Letters		1. Approving, allowing and settling the Fourth Account;	
	Duties/Supp		2. Authorizing the conservator and attorney fees and commissions; and	
	Objections		3. Authorizing payment of the bond fee.	
	Video Receipt			
	CI Report			
<input checked="" type="checkbox"/>	2620			
<input checked="" type="checkbox"/>	Order		Court Investigator's Report was filed on 8/3/2015.	
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: LEG
				Reviewed on: 11/10/15
				Updates:
				Recommendation:
				File 2 - Moody

Atty Kruthers, Heather (for Public Administrator)

Atty Rackley, Elaine (Pro Per Administrator with Will Annexed)

Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution

DOD: 9-6-05	<p>DORIS ELAINE RACKLEY, Daughter, was appointed as Administrator with Will Annexed with Limited IAEA without bond and Letters issued on 8-28-07.</p> <p>On 11-15-13, the Court removed Ms. Rackley and appointed the PUBLIC ADMINISTRATOR.</p> <p>Status Report filed 11/4/15 states the Public Administrator has been delayed due to outstanding balances due the IRS for prior tax years. The PA's CPA received the IRS and FTB transcripts, and after reviewing them, determined that the tax returns from 2001-2005 needed to be prepared. The 1999 and 2000 taxes were written off by the IRS and FTB. The accountant has completed the individual federal and state returns from 2003-2005 and is finalizing 2001 and 2002. It is anticipated these will be completed soon. It is respectfully requested that the next status hearing be set for 60 days from the date of this hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need petition for final distribution.</p> <p><u>Note:</u> The beneficiaries of the estate are Elaine Rackley, Marilyn Hamby, and the Estate of Irene Hamby.</p>
Cont. from 092013, 111513, 022114, 061314, 092914, 033015, 060115, 072715, 092114		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 11/10/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Hamby</p>	

Attorney LeVan, Nancy J. (for Jonathan Holcomb, Executor)

Probate Status Hearing Re: Failure to File a First Account and/or Petition for Final Distribution

DOD: 10/26/2007	JONATHAN HOLCOMB , son, was appointed Executor with Full IAEA authority without bond on 5/26/2009. Letters issued on <u>5/26/2009</u> .	NEEDS/PROBLEMS/COMMENTS:
		OFF CALENDAR
		First and Final Account filed 11/13/2015 is set for hearing on 1/19/2016.
Cont. from 011014, 031114, 081114, 111014, 012615, 072015, 092115	Pursuant to Probate Code § 8800(b) , Final Inventory and Appraisal was due 9/26/2009. Final Inventory and Appraisal was filed on 3/25/2014 showing an estate value of \$23,738.31 .	Continued from 9/21/2015. Minute Order states counsel requests 60 days.
Aff.Sub.Wit.		
Verified		
Inventory	First account and/or petition for final distribution was due in May 2010.	
Acct.		Note for background: Minute Order dated 7/20/2015 states counsel requests an additional 60 days. The Court orders that if the First Account is not filed at least two court days prior to 9/21/2015, then a declaration verified by Jonathan Holcomb must be filed by then, or the Court will consider imposing sanctions.
Not.Cred.		
Notice of Hrg	Notice of Status Hearing filed 11/15/2013 set a status hearing on 1/10/2014 for failure to file the inventory and appraisal and first account and petition for final distribution.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Status Report filed by Jonathan Holcom on 9/16/2015 for the previous status hearing states:	
Conf. Screen	<ul style="list-style-type: none"> To date, the estate brokerage account total is \$20,941.21; The brokerage firm now has in their possession the 279.219 shares of Principal Investors stock valued at close to \$3,000.00, and he has requested the brokerage firm to sell the stock, and he is hoping to have the funds deposited by 9/18/2015; The State Controller has indicated they have tried to send the 45.83 shares of Principal Investors Money stock to the brokerage firm two times, and both times it was rejected and returned due to an error with the numbers; After the shares have been deposited, he will be able to file the final accounting and petition for distribution. 	1. Need first and final account, or verified status report pursuant to Probate Code § 12200, and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LEG
Status Rpt		Reviewed on: 11/10/15
UCCJEA		Updates: 11/13/15
Citation		Recommendation:
FTB Notice		File 4 – Holcomb

Petition for Termination of Guardianship

Age: 8	KRYSTAL SALVADOR , mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Notice of Hearing</i> . 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Alicia Ann Bradshaw (guardian) b. Mark Thompson, Jr. (father) c. Mark Thompson, Sr. (paternal grandfather) d. Paternal grandmother (unknown)
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Father: MARK THOMPSON, JR.	
<input checked="" type="checkbox"/> Verified	Paternal grandfather: MARK THOMPSON, SR.	
<input type="checkbox"/> Inventory	Paternal grandmother: UNKNOWN	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Maternal grandparents: DECEASED	
<input type="checkbox"/> Aff.Mail	Petitioner requests [see file for details].	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Court Investigator Jennifer Daniel filed a report on 11/06/15.	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 11/12/15
		Updates:
		Recommendation:
		File 5 – Salvador

Atty Neilson, Bruce A. (for Janette Courtney – Executor – Petitioner)
 Atty Dawson, Joanne E. (Pro Per – Beneficiary – Objector)

- (1) First and Final Account and Report of Executor and Petition for Its Settlement,
 (2) for Allowance to Executor and Attorneys for Compensation for Ordinary and Extraordinary
 Services and for (3) Final Distribution

DOD: 6-9-11		JANETTE COURTNEY , Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: Note: Trial on this matter was held on 6/30/15 in Dept. 21. Pursuant to the Court's Ruling After Hearing on Objections to First And Final Accounting entered 8/5/15, the objections were overruled except for the claim that petitioner has failed to properly account for and disclose the bank account held by the decedent at the time of her death at JP Morgan Chase Bank and/or the proceeds of that account withdrawn in August 2012. The petition was remanded to Probate for further proceedings consistent with this ruling. <u>Therefore, this matter was reset for 11/16/2015 pursuant to Notice of Hearing Setting, mailed to Attorney Neilson on 10/8/15.</u> <u>SEE ADDITIONAL PAGES</u> Reviewed by: skc (LEG on 11/13/15) Reviewed on: 11/10/15 Updates: 11/13/15 Recommendation: File 4 - Drummond
Cont from 022515, 022615, 050715		Account period: 9-15-11 through present Accounting: \$560,956.26 Beginning POH: \$498,824.07 Ending POH: \$84,654.37 cash (Mariposa real property now distributed)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	9-15-11	
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Executor (Statutory): \$14,171.36 Attorney Bruce A. Neilson (Statutory): \$14,171.36 Attorney Bruce A. Neilson (Extraordinary): \$1,000.00 (for services in connection with the sale of the Visalia commercial real property, pursuant to Local Rule 7.18.A.) Attorney Scott Ivy (Extraordinary): \$62,049.28 (for services in connection with the litigation filed against Petitioner and this estate, pursuant to declaration and itemization at Exhibit B) Petitioner has already paid said attorney compensation from her own funds and requests reimbursement from the estate. Closing: \$2,500.00 Petitioner states because there insufficient funds in the estate to pay the executor and attorney's fees in full, Petitioner and her attorney will accept a prorated portion of the cash remaining in the estate after the reserve for taxes and closing expenses is deducted. Any unused portion of the reserve after the above payments shall be distributed in equal shares to the residuary beneficiaries. Distribution pursuant to Decedent's will: Steven Thomas: Real property in Mariposa (specific bequest, distributed per Order on 2/27/15) Petitioner states after payment of the expenses of administration as set forth above there does not appear to be any remaining cash for distribution to the beneficiaries. Any remaining cash assets after closing expenses, attorney's fees and executor's fees are paid will be divided in equal shares to Janette Courtney, David A. Thomas, Joanne E. Dawson, and Sandra L. Thompson.	

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Status Report by Attorney filed by Bruce A. Neilson on 11/12/2015 states a copy of the Department 21 order with the Court's ruling [*Judge Ellison, filed 11/12/2015*] is attached as Exhibit A; also filed concurrently is a declaration of Janette Courtney concerning the Chase Bank account which was the only matter left undetermined, and a supplemental declaration updating the cash on hand; also accompanying the declaration is a revised proposed order for distribution in this matter.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Notice of Hearing of this re-set hearing pursuant to applicable code and Notice of Hearing Setting mailed to Attorney Neilson on 10/8/15.**

The following issues remain noted for reference:

2. **Petitioner paid extraordinary fees totaling \$62,049.28 to Attorney Scott Ivy in connection with the litigation against the estate, and requests reimbursement. The Court may require clarification with reference to Cal. Rules of Court 7.700.**

Note: Exhibit B, Attorney Declaration Re Compensation, describes the benefit to the estate, and provides itemization in the form of billing statements for services in connection with the Petition to Determine Validity of Trust Instruments filed 12-19-11 in this matter and the related civil action, 11CECG04320. The declaration states the litigation was successfully settled to the benefit of the estate, as the Drummond Company agreed not to seek collection of outstanding loans owing by the decedent, saving the estate in excess of \$200,000.00. The litigation had stalled the sale of the Visalia property owned by the estate, and by the settlement, the complaining party agreed not to object to the sale, opening the way for the sale to provide funds to the estate. The parties agreed that the settlement would not impair or impede Petitioner's right to petition the probate court for reimbursement of her attorney's fees and costs incurred in the litigation. Petitioner paid for the defense from her own funds, for reasonable attorney's fees for extraordinary services, and should be reimbursed for \$62,049.28.

Update: Please note discussion re this amount in the Objection and Response.

3. **Many of the expenses charged include expenses considered by this Court to be costs of doing business and not reimbursable, such as charges for photocopies, computer research fees, clerical services, travel/telephonic appearance costs, and runner/document services. The Court may disallow these charges. (Examiner calculates a total of \$1,251.86 in non-reimbursable expenses.)**
4. **The total cost also includes \$3,867.82 in interest charged on the various billing statements. The Court may require clarification or authority for interest charges on extraordinary fees not yet authorized by the Court.**

SEE ADDITIONAL PAGES

Declaration Re Attorney Fee Reimbursement filed 2-24-15 states the examiner notes expressed that the Court may require clarification of the attorney fee reimbursement in light of CA Rule of Court 7.700. Mr. Neilson submits the following in response: The rule of court cited is to prohibit payment from estate assets prior to court authorization. In this case, no estate assets were used to pay the litigation attorney fees at issue; they were paid from the petitioner's own assets. Reimbursement is now sought to obtain court approval of reimbursement. This procedure was contemplated by the settlement of the litigation, which settlement agreement, approved by this Court (Judge Oliver), provided that the settlement agreement will not impair or impede Janette's right to petition the probate court for reimbursement of some or all of her attorney's fees and costs incurred in the litigation from the estate (attached). Petitioner is following that contemplated procedure and is now seeking the Court's approval.

Objections were filed 3-23-15 by Joanne E. Dawson. (Note: The caption indicates that Ms. Dawson is filing the objections "Oh Behalf of Respondents" including herself, David A. Thomas, Sandra L. Thompson and Steven Thomas; however, Ms. Dawson is not an attorney, and the Objections are only verified by Ms. Dawson, Steven Thomas, and David Thomas.)

Objector states shortly after the decedent passed away, Petitioner advised Objector that she planned to keep the decedent's bank accounts out of probate and divide the monies among beneficiaries after the will was probated. She also confided to David A. Thomas that she intended to "hide money" from Probate. On or about 2-10-15, Respondents received the petition and discovered that bank accounts had not been included in the inventories. Respondents are aware of at least three accounts (see Exhibit A) and believe others may exist at various banks.

Objector states the Disbursements Schedule shows that at least two separate accounts (pursuant to check numbers referenced) were used to pay the itemized debts, but there is no indication of the source or amount of funds used to fund the second account. Respondents also believe certain check numbers are unaccounted for and were used for unauthorized purposes.

Objector states the executor intentionally failed to make a single payment on the Mariposa mortgage despite the fact that moneys were available, and failed to take all steps reasonably necessary for the management, protection and preservation of the estate in her possession pursuant to Probate Code §9650(2)(b) or surrender the property to the beneficiary. Instead, she unreasonably and without just cause dragged out the probate process for nearly four years waiting for the mortgage holder to foreclose on the Mariposa property to the detriment of Steve Thomas. In doing so, she failed to manage the estate with ordinary care and diligence required by §9600.

Disbursements schedule indicates that Petitioner paid herself \$8,810.04 for "funeral expenses;" however the itemization confirms that few of the expenses were related to the funeral, and it is unclear which bank account the expenses were paid from.

Objector refers to several specific accounts, including funds inherited by the decedent from her mother's trust, believed to be held by the decedent at her death and states Petitioner advised Respondent David Thomas that she invested the inherited funds in her own house flipping/remodeling company, then later denied that. Respondents seek a full accounting of the investments that were not included in the estate.

SEE ADDITIONAL PAGES

Objector objects to petitioner's request for reimbursement of \$62,049.28 "paid from her own funds." Respondents note that several attorney invoices are merely duplicates of other attached invoices, and it appears the amount actually paid was \$30,395.20. Respondents further allege the payments were made from the decedent's accounts.

Objector states there were insufficient receipts to cover the disbursements and it appears that the business (Drummond Company) and personal receipts and disbursements are lumped together on the same schedules. There is no explanation as to how disbursements were funded.

Objector alleges that the accounting does not comply with Probate Code §§1060-1064, and Petitioner should be required to reimburse the estate for the value of assets not accounted for and not included. Based on the less than transparent handling of the decedent's estate, Petitioner is not entitled to the statutory fee requested. Further, Attorney Neilson failed repeatedly to provide documentation and failed to exercise his fiduciary duty to protect the estate for all beneficiaries and failed to timely bring the estate to closure is not entitled to receive the statutory attorney fee.

Objector requests that:

- 1. Janette Courtney shall be removed as Executor and shall receive no fee due to her failure to properly administer, protect, and prosecute Decedent's estate with reasonable care;**
- 2. Janette Courtney shall reimburse the estate for the \$8,810.04 for alleged "funeral expenses" that were actually paid from Decedent's accounts;**
- 3. Janette Courtney shall produce to Respondents all documentation requested as set forth in Exhibit E within 15 days;**
- 4. Janette Courtney shall provide a true and accurate accounting of all investments made by or on behalf of Decedent within 15 days;**
- 5. Janette Courtney shall reimburse Decedent's estate for the value of any and all assets that were required to be included in, but were withheld from, the probate of Decedent's estate;**
- 6. Janette Courtney shall have 15 days to answer interrogatories concerning Decedent's estate to be propounded by Respondents pursuant to California Probate Code §8870I**
- 7. Attorney Neilson shall, within 15 days, submit an accounting of actual dates and times spent on the prosecution of Decedent's estate;**
- 8. Residuary cash in Decedent's estate shall be applied to arrearages on the mortgage on the Mariposa property;**
- 9. Such further order as the Court deems proper and just.**

Petitioner Janette Courtney and Attorney Bruce Neilson filed declarations in response to Objections on 4-9-

15. Petitioner states she informed Objector that the bank accounts on which she had joint ownership passed to her without administration and would not be part of the estate. She states she made no statement to David Thomas that she intended to hide money from probate. Objectors apparently did not understand that Petitioner had right of survivorship. Petitioner states she was informed by her mother that she cashed out her investments accounts long before her death.

As part of her investigation of potential estate assets, Petitioner went to various banks and asked for printouts of her mother's accounts, which show that Petitioner is the co-owner with right of survivorship. She was unable to get any information on the account used to run the Lucky Logger business in Mariposa and which account had paid the mortgage there.

SEE ADDITIONAL PAGES

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The email referred to pertains to Dennis Thomas' interference with the probate process. He obtained possession of the vehicle in their mother's name without authorization and subsequently gave the vehicle to Steven Thomas, who continued the interference in the probate process by failing to give the vehicle back to Petitioner and instead used it and took it to a body shop due to damage. The vehicle dispute went into 2013 and Petitioner did not find out about the damage and that it was left at a body shop until then. Title had to be signed over due to storage fees.

Petitioner states she was on her mother's accounts and wrote checks for household expenses. She states the decedent wanted the monies to go to Petitioner on her death and that is why she made Petitioner a co-owner and beneficiary. Attached is the email thread. Petitioner has always claimed these were accounts with right of survivorship and has provided documentation.

Petitioner states Ms. Dawson is incorrect – there was only one estate bank account used to pay the itemized debts. The first five check numbers are temporary checks provided by the bank until the ordered checks were delivered. See response for further explanation.

Petitioner states the mortgage on the Mariposa property was not included in the debts to be paid because the property was to go to Steve Thomas under the will, subject to the mortgage. Steve lived on the property and the mortgage had been made from the Lucky Logger account, which was under his control. He apparently stopped making the payments. Petitioner gave permission for the bank to discuss the account with Steve. It has been known since 2009 that the property was not worth the total owed and Petitioner could not justify estate funds to be spent on such an asset, so she left this for Steve Thomas to negotiate, since he lived on the property.

See declaration for explanation of funeral expenses and additional accounts.

Petitioner states she has reviewed the attorney's fee reimbursement request, which appeared correct pursuant to the invoices. She could not double check because she was moving and records were unavailable. Upon review, Petitioner states she has paid the sum of \$48,695.20 to attorney Scott Ivy's firm. Petitioner realized that her husband had negotiated to reduce the fees. \$47,895.20 was paid from Petitioner's personal accounts.

Petitioner states she has tried to pursue the probate to the best of her ability. The litigation brought by a sibling was not resolved until dismissed in May 2013. The sale of the Visalia property was delayed by that litigation and did not close until May 2013. Thereafter there was the ongoing dispute re the vehicle. In 2014 they discussed and resolved to not dispute Steve Thomas' takeover of the Lucky Logger business, inasmuch as it was willed to him, even though the estate was stuck with the business' state tax lien of over \$11,000.00. For several months, Steve complained about the cost of a horse on the property where he lived, but they ultimately determined that the horse went with the ranch that was going to Steve. The final inventory was sent to the Probate Referee in December 2014. Petitioner understands some delay was also attributable to the press of business of her attorney as a sole practitioner.

Attorney Neilson's declaration provides additional information regarding the administration of the estate.

SEE ADDITIONAL PAGES

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Reply of Respondents/Objectors (Joanne Dawson, Steven Thomas, David Thomas) to Janette Courtney's Declaration in Response to Objections filed 5/28/15 states documentation contradicts Ms. Courtney's representation that she is the co-owner and had right of survivorship on all accounts. Objectors have requested additional documentation from Mr. Neilson but not has been provided. Ms. Courtney's declaration indicates activity on one of the accounts consistent with her representation that she intended to "hide" funds from probate process. Objectors deny that she stated or explained or even believed at the time that the accounts belonged to her and were not subject to probate, and Objectors believe and allege that her understanding of the accounts is explained in her own unsolicited email wherein she explains that "Mom put me on her accounts so I could pay her bills." Objectors state they are concerned by the secrecy and lack of transparency in the accounting as reflected by Ms. Courtney's unwillingness to share documents to easily put issues to rest.

Objector state Ms. Courtney states she did not continue making mortgage payments subsequent to the decedent's death because the Mariposa property was willed to Steven Thomas subject to the mortgage. There is nothing in Decedent's will stating that the property was to be given to him subject to the mortgage, which, upon information and belief, was brokered by Ms. Courtney and signed in her home state of Kentucky, not in California where Decedent resided. While she is correct that the payments on the property had been made from the liquor store account when Decedent was alive, Decedent regularly funded that account for the purpose of making the payments. Furthermore, Objectors call the court's attention to the fact that Ms. Courtney continued to encumber the Mariposa property for a period of 2 years after the decedent's death before giving the mortgage holder permission to speak to Steven Thomas. Ms. Courtney claims she "never interfered with the mortgage payments being made." Objectors assert that she violated her fiduciary duty to the estate and its beneficiaries by failing to make the mortgage payments for a period of two years before giving the mortgage holder permission to speak to Steven Thomas. She claims she knew the property was under water because she attempted to refinance through Bank of America, but Steve Thomas has diligently searched for this alleged appraisal and has been advised that no such appraisal exists for 2009.

Petitioner requests to be reimbursed for more that \$65,000 in fees allegedly needed for litigation with Dennis Thomas related to the estate. She now claims that unbeknownst to her, her husband had negotiated those fees down to \$47,895.20. She claims those payments were made from her own account. Objectors believe the money used to pay those fees came from Decedent's accounts which Petitioner deposited in her own account. Further the litigation between Dennis Thomas and Petitioner was necessitated by her failure to abide by a 2008 agreement that she and the decedent had signed to purchase shares of stock that Dennis Thomas owned in the Drummond Company. Rather than pay Dennis Thomas \$17,000, she incurred attorney fees in excess of \$65,000. In her own words, her frivolous decision to invite litigation rather than pay the debt amounted to nothing more than "throwing good money after bad." Objectors believe and allege that her demands to be reimbursed attorney fees incurred as a result of litigation that she needlessly created would result in wasting what little remains of the estate's assets, throwing good money after bad. She should not be allowed to profit from her own gross failure to fulfill her duties as executor.

SEE ADDITIONAL PAGES

Objectors state (cont'd): Petitioner claims an ongoing dispute over the decedent's GMC Suburban delayed the settlement of the estate for another two years after the litigation was settled. Objector believe the vehicle may have been part of Drummond Company equipment that would have passed to Dennis Thomas with the settlement of the litigation. During those two years, Petitioner gave the vehicle to Irene Cline, the company's accountant and office manager, to use as a company vehicle. This resulted in depreciation of a potential asset to the estate. Had she sold the vehicle, the residual estate would have been enriched by more than \$10,000.

Petitioner claims she waited until 2014 (3 years after decedent's death) before deciding not to dispute the takeover of the Lucky Logger business by Steve Thomas. In point of fact, she did everything possible to facilitate this transaction because she did not want the estate to pay taxes incurred by the business prior to the decedent's death. By refusing to pay those taxes, the estate was forced to pay penalties and interest nearly twice the original tax bill out of funds from the sale of the Visalia property. Had she properly exercised her duties as executor, the estate assets would be increased by an additional \$5-6,000.

Objectors believe Petitioner had no legitimate or credible explanation for taking 4 years to bring the estate to closure. Objectors are perplexed and concerned with her efforts to maintain secrecy surrounding all aspects of the handling of their mother's estate. Contrary to attorney Neilson's statement to the court, most of the documents requested by Objectors have never been produced. Of the documents requested in Exhibit E, of the 10 categories, only #4 has been produced.

Objectors respectfully request the Court order:

1. **Janette Courtney shall be removed as Executor and receive no fee due to her failure to properly administer, protect, and prosecute Decedent's estate with reasonable care;**
2. **Janette Courtney shall reimburse the estate \$8,810.04 for alleged funeral expenses that were actually paid from Decedent's accounts;**
3. **Janette Courtney shall produce to Respondents/Objectors all documentation requested as set forth in Exhibit E within 15 days;**
4. **Janette Courtney shall provide a true and accurate accounting of all investments made by, or on behalf of, Decedent within 15 days;**
5. **Janette Courtney shall reimburse Decedent's estate for the value of any and all assets that were required to be included in, but were withheld from, the probate of Decedent's estate;**
6. **Janette Courtney shall have 15 days to answer interrogatories concerning the estate to be propounded by Respondents pursuant to Probate Code §8870;**
7. **Attorney Neilson shall, within 15 days, submit an accounting of actual dates and times spent on the prosecution of Decedent's estate;**
8. **Residuary cash in Decedent's estate shall be applied to arrearages on the mortgage on the Mariposa property;**
9. **Janette Courtney shall produce Decedent's complete tax returns for 2011 and the 5 years period preceding her death;**
10. **An independent auditor shall be appointed by the Court;**
11. **Such further orders as the Court deems proper and just.**

DOD: 01/16/2005	JOHN T. LAETTNER , son, was appointed Executor with full IAEA authority without bond on 01/23/2013.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 03/30/2015: Counsel requests continuance due to the quiet title action in Nebraska. 1. Need First Account or Petition for Final Distribution.
	Letters issued 01/29/2013.	
	Inventory and Appraisal filed 07/10/2013 shows a value of \$12,892.00.	
Cont. from 032814, 033015		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Status Report (for Hearing date of 03/30/2015) filed 03/09/2015 John T. Laettner needed to be appointed as Executor of the decedent's estate in order to receive assets from the ancillary probate in Nebraska. The sole asset in the Nebraska probate is an interest in mineral rights, and these rights have been the subject of a quiet title action. The initial trial court ruling on 08/06/2013, and the later final "appealable" order issued on 01/16/2015, were not in favor of the decedent. An appeal has been filed with the Nebraska Court of Appeals, case number A-15-00073. Counsel in the quiet title action estimates that it will be approximately six months before a final determination is made on appeal.

Wherefore, counsel respectfully requests a one year continuance to allow a final determination of the appeal and completion of the ancillary probate proceeding.

Declaration of Danielle R. Guerrero and Status Report filed 11/13/2015 states John T. Laettner needed to be appointed as Executor of the decedent's estate in order to receive an interest in mineral rights in Nebraska that were the subject of a quiet title action. The initial trial court ruling on 08/06/2013, was not in favor of Mr. Laettner and the appeal filed with the Nebraska Court of Appeals, case number A-1500073, was denied. A petition to close a no-asset estate has been prepared and counsel is waiting on the receipt of the verification page from petitioner. It is respectfully requested that this matter be continued to 45 days pending the receipt of verification and filing of the petition.

Reviewed by: LV

Reviewed on: 11/12/2015

Updates: 11/13/2015

Recommendation:

File 7– Mullennix

Petitioner Saldivar, Rosalinda Galvan (pro per – paternal grandmother/Petitioner)

Petitioner Saldivar, Richard (pro per – paternal grandfather/Petitioner)

Petition - Appoint Guardian

Age: 12		TEMPORARY EXPIRES 11/16/15		NEEDS/PROBLEMS/COMMENTS:	
		RICHARD SALDIVAR and ROSALINDA SALDIVAR , paternal grandparents, are Petitioners.		This Petition pertains to Vanity only.	
		Father: RUSTY SALDIVAR – <i>Personally served on 09/11/15</i>		Cutberto & Irene Jimenez were appointed as co-guardians of Natalie on 03/25/15.	
Cont. from 062915, 080315, 091415		Mother: AMBER STICKLES – <i>Personally served on 07/11/15</i>		<u>CONTINUED FROM 09/14/15</u>	
	Aff.Sub.Wit.		Maternal grandfather: CARL SHARP – <i>Personally served on 07/11/15</i>	Minute order from 09/14/15 states: Petitioners represent that the father will be released from prison on October 27 and will be living in their home thereafter. Matter is continued for consent from the father.	
✓	Verified		Maternal grandmother: TONYA SHARP – <i>Personally served on 07/11/15</i>		
	Inventory		Petitioners state [see Petition for details].		
	PTC		Court Investigator Samantha Henson filed a report on 06/22/15.		
✓	Not.Cred.				
✓	Notice of Hrg				
	Aff.Mail	n/a			
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	w/			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 11/10/15	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 8 – Ortega & Saldivar	

Attorney

Attorney **LeVan, Nancy J. (for Susan Brown – Trustee – Petitioner)**

Amended First and Final Account of Trustee; Petition for Allowance of Fees for her

Attorney; Reimbursement to Trustee for Out of Pocket Expenses Petition; Reimbursement of Materials and for Distribution and Termination of the Trust

DOD: 3/21/14		SUSAN BROWN , Trustee with bond of \$74,000.00, is Petitioner. Account period: 8/23/13 – 4/4/15 Accounting: \$236,090.27 Beginning POH: \$205,417.82 Ending POH: \$111,831.88 (cash) Trustee (Reimbursement): \$6,557.22 Petitioner states the total amount of deposits made to the trust account by Susan Brown is \$12,657.22. The amount that has been repaid to Susan Brown during the course of administration is \$6,100.00. The remaining balance owing to Susan Brown is \$6,557.22. Declaration details extensive work required on the residence and the benefit to the estate of such work performed by family, etc. Buyers: \$3,488.98. Petitioner states the decedent's home was sold to the Kerbys, who purchased materials and provided labor to bring the home up to code into a condition where it could be sold. In addition to what the trust has paid them up to this point, the trustee requests authorization to pay the Kirbys an additional \$3,488.98. Declaration provides itemization, explanation. Attorney: \$1,500.00 Petitioner requests distribution to the five beneficiaries in the amount of \$19,457.13 each and termination of the trust. (The five heirs are Susan Brown, Cynthia Taylor, Gregory Eastwood, Rebecca Garrison, and Lori Eastwood.)	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 9/30/15:</u> The Court is willing to approve \$5,000 to each beneficiary between now and 11/16/15. (Orders signed 10/5/15.) 1. Petitioner states the total deposits made to the trust account by Susan Brown is \$12,657.22, and she has been repaid \$6,100.00 during the course of administration, for a balance owing of \$6,557.22. However, the schedules appear to show receipts of \$8,450.00 during this account period from Susan Brown (not \$12,657.22), and disbursements to her of \$5,833.80 (not \$6,100.00). Need clarification. The Court may require that these loans to the trust estate be detailed in separate schedules for review, rather than Examiner sifting through to identify relevant individual line items. 2. As previously noted, need itemization for requested attorney compensation or authority for this amount without itemization. 3. Need recalculated distribution with reference to the preliminary distribution previously approved. 4. Need order.	
Cont. from 082615, 093015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail		w	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	x		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

DOD: 02/03/2014		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR. Amended Petition for First and Final Account filed 10/08/2015. Hearing set for 12/02/2015.</u></p>	
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LV
			Reviewed on: 11/12/2015
		Updates:	
		Recommendation:	
		File 10 - Vallandingham	

Probate Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 6/17/13	HOWARD YOUNG was appointed Administrator with limited IAEA and without bond.	NEEDS/PROBLEMS/COMMENTS: 1. Need first account, petition for final distribution.
	Letters issued on 9/5/14.	
Cont. from 091415		
Aff.Sub.Wit.	Inventory and Appraisal filed on 2/13/15 showing the estate valued at \$150,000.00	
Verified		
Inventory		
PTC		
Not.Cred.	Minute order dated 7/14/14 set this status hearing re: filing of the first account or petition for final distribution.	
Notice of Hrg		
Aff.Mail	First account or petition for final distribution is now due.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Further Status Report filed 11/03/15 states: The Estate's sole asset is real property located in Richmond, CA. A report of Sale and Petition for Order Confirming Sale of the sole asset is now scheduled for 01/04/16. Petitioner is working with the probate referee to have the necessary updated appraisal of the property completed. The sale is being re-noticed taking into account the value the probate referee has tentatively placed on the property. Petitioner is taking all the necessary steps to obtain the highest possible sale price for the property. Once the sale of the property is concluded, the estate will be in a position to be closed.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT/JF
		Reviewed on: 11/10/15
		Updates:
		Recommendation:
		File 11 – Young

Attorney Martinez, Vincent T. (of Santa Maria for W. Laird Durley – Executor/Petitioner)

Amended Petition for Final Distribution on Waiver of Accounting; Final Report of Administration; and for Allowance of Ordinary Compensation to Attorney for Ordinary Services

DOD: 03/14/14		W. LAIRD DURLEY , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from		I & A - \$2,797,363.54	
		POH - \$1,677,499.50	
Aff.Sub.Wit.		(\$345,213.52 is cash)	
✓	Verified		
✓	Inventory	Executor - waived	
✓	PTC		
✓	Not.Cred.	Attorney - \$39,612.13 (statutory)	
✓	Notice of Hrg	Costs - \$1,310 (filing fees, publication)	
✓	Aff.Mail	w/	
Aff.Pub.		Closing - \$1,000.00	
Sp.Ntc.			
Pers.Serv.		Distribution, pursuant to Decedent's Will, is to:	
Conf. Screen		Graham C. Scown - \$100,000.00	
		Julia Parks Durley - \$200,000.00	
✓	Letters 07/25/14	W. Laird Durley - \$3,291.39 cash, plus	
Duties/Supp		• 100% interest in real property located at 5090 N. Roosevelt, Fresno valued at \$90,000.00;	
Objections		• 50% interest in real property located in Santa Barbara County (APN: 117-030-018) valued at \$655,000.00;	
Video Receipt		• 12.5% interest in mineral rights located in Santa Barbara County (APNs: 101-070-058, 101-070-068) valued at \$15,000.00;	
CI Report		• 1/3 interest in real property located in Santa Barbara County (APN: 117-170-50) valued at \$534,833.00;	
✓	9202	• 50% interest in oil and gas rights for property in Santa Barbara County (APNs: 117-030-018, 117-170-50) valued at \$17,453.00;	
✓	Order	• Household furnishings and tangible personal property	
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓	FTB Notice		

Reviewed by: JF
Reviewed on: 11/12/15
Updates:
Recommendation: SUBMITTED
File 12 – Durley

Atty Renge, Lawson K. (for Administrator Ryan Missakian)

Probate Status Hearing Re: Filing of the First or Final Account

DOD: 10/3/2013	<p>RYAN MISSAKIAN was appointed as Administrator with full IAEA and without bond on 7/21/2014. Letters issued on 7/22/14.</p> <p>I & A partial no. 1 was filed on 9/15/14 showing a value of \$375,000.00.</p> <p>I & A partial no. 2 was filed on 3/12/15 showing a value of \$370,000.00.</p> <p>Minute Order dated 9/15/2015 from the hearing on the status of the inventory and appraisal set this status hearing on 11/16/2015 for filing of the first and/or final account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>2. Need first and/or final account, or verified status report pursuant to Probate Code § 12200, and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).</p> <p>Note for background: Status Report Re Closure of Estate filed on 7/24/2015 for the status hearing for filing the inventory and appraisal informs the Court that the only remaining issue affecting estate closure is the alleged "partnership interest" of Decedent in agricultural property on Golden State Blvd. in Selma; beneficiaries propose that the partnership issue be resolved after probate distribution of the agricultural property to them from probate; no resolution of this issue has occurred.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: LEG</p> <p>Reviewed on: 11/10/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 - Missakian</p>		

Probate Status Hearing Re: Filing of the First Account

	LORRAINE R. ALVAREZ , Maternal Grandmother, was appointed Guardian of the Person and Estate on 9/8/14 with bond of \$7,629.60.		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> First Account filed 11/10/15 is set for hearing on 1/7/16.
	Bond was filed and Letters issued on 9/29/14. At the hearing on 9/8/14, the Court set this status hearing for the filing of the first account.		
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 11/10/15
			Updates:
			Recommendation:
			File 14 - Alvarez

Attorney Teresa B. Petty (for Margaret Nichols)

First and Final Report of Administrator on Waiver of Account and Petition for Settlement Thereof; for Waiver of Administrator's Compensation for Ordinary Services; for Allowance of Attorney's Fees for Ordinary Services and for Final Distribution

DOD: 4/20/2014		MARGARET NICHOLS , spouse and Administrator, is Petitioner. Accounting is waived. I & A — \$348,530.12 POH — \$321,693.00 (\$20,693.00 is cash)	NEEDS/PROBLEMS/COMMENTS: Note: Statutory fee base does not include the \$4,530.08 loss on sale of Decedent's recreational trailer. Correct statutory fee calculates as \$9,880.00 when the loss is taken into account as required by Probate Code § 10800. Proposed order has been interlineated to reflect the correct statutory compensation for the attorney and the cash distribution to the estate beneficiary. (<i>Note: Proposed order includes the \$20,693.00 cash as distributable to the beneficiary without deducting the statutory fee, which has now been corrected by the interlineation.</i>)
Cont. from 102615			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 090314		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting	Reviewed by: LEG Reviewed on: 11/13/15 Updates: Recommendation: SUBMITTED File 15 - Nichols	
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Atty Baldwin, Kenneth A.; Cunningham, Nicole; of McCormick Barstow (for Petitioners Seanna Haslouer and Amy Haslouer Hansen)

Atty Burnside, Leigh W.; Johnson, Summer A.; of Dowling Aaron, Inc. (for Respondent Barbara Gill)

Probate Status Hearing Re: Resolution of Petition for Order to Return Property to Decedent's Estate

DOD: 10/25/2013		<p>SEANNA HASLOUER and AMY HASLOUER HANSEN, grandchildren and Beneficiaries, filed on 9/26/2014 a <i>Petition for Order to Return Property to Decedent's Estate</i>, seeking the return of specific items of personal property, and the distribution to the Petitioners as the specific devisees certain items of personal property, including jewelry.</p> <p>Respondent BARBARA GILL (caregiver) filed a <i>Demurrer to Petition for Order to Return Property to Decedent's Estate; Memorandum of Points and Authorities</i> on 11/6/2014.</p> <p>Order on Demurrer filed 4/9/2015 overruled the demurrer.</p> <p>Petitioners' Status Report filed by Kenneth Baldwin on 11/5/2015 states:</p> <ul style="list-style-type: none"> This case involves, among other things, a petition to cause Barbara Gill, the Trustee of the EVELYN AZARIAN LIVING TRUST to return jewelry that was to have been distributed to Petitioners, the granddaughters of the Decedent, under the terms of their grandmother's Trust; Other issues arose including the accountings related to the administration of the Trust, the handling of the assets of the estate, and the control of the cremains of the Decedent and her late husband; On 5/5/2015, before the Honorable Jane Cardoza, the parties met for a Mandatory Settlement Conference in the matter; Subsequent to the settlement conference, the parties reached a global agreement to resolve their differences; A settlement agreement was signed on or about 9/14/2015, and includes terms for the return of the family jewelry to Petitioners, the handling of the cremains of the Decedent, review of accountings and bank statements, final distribution of the residue of the EVELYN AZARIAN LIVING TRUST, and miscellaneous provisions to conclude the Trustee's responsibilities; On or about 10/12/2015, his office received distributions for his clients pursuant to the terms of the Trust; He anticipates that before the end of this calendar year, the final distributions will be made and this matter will be dismissed. 	NEEDS/ PROBLEMS/ COMMENTS:	
Cont. from 012715				
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
✓	Aff.Mail			W /
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
✓	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: LEG		
		Reviewed on: 11/12/15		
		Updates:		
		Recommendation		
		File 16 - Azarian		

Attorney Mark A. Blum (for Petitioner Mildred Thomsen)

**Petition for Final Distribution on Waiver of Account and for Allowance of
Statutory Compensation and Necessary Fees and Costs**

DOD: 8/21/2013	MILDRED THOMSEN , spouse and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from	I & A — \$4,984,719.35	
Aff.Sub.Wit.	POH — \$5,111,643.12 (\$152,509.60 is cash)	
✓ Verified		
✓ Inventory	Executor — waives	
✓ PTC	Attorney — \$60,000.00 (less than \$64,116.43 statutory)	
Not.Cred.		
✓ Notice of Hrg	Costs — \$6,965.11 (filing fees, probate referee, publication, certified copies)	
✓ Aff.Mail	w/	
Aff.Pub.		
Sp.Ntc.	Closing — \$1,000.00	
Pers.Serv.		
Conf. Screen	Distribution pursuant to Decedent's Will is to:	
Letters 112514	<ul style="list-style-type: none"> • MILDRED THOMSEN – entire interest in automobiles, furnishings, furniture, and personal belongings; • MILDRED THOMSEN as Trustee of the THOMAS THOMSEN TESTAMENTARY BYPASS TRUST – entire residue of the estate consisting of real properties, corporations, promissory notes, and miscellaneous personal effects. 	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
✓ 9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
✓ FTB Notice		
		Reviewed by: LEG
		Reviewed on: 11/12/15
		Updates:
		Recommendation: SUBMITTED
		File 17 - Thomsen

Attorney Lee S. W. Cobb (for Petitioner David Jessen)

**First and Final Report of Status of Administration on Waiver of Account and
Petition for Final Distribution; for Allowance of Ordinary Services by
Attorney; and for Reimbursement of Costs Advanced**

DOD: 7/28/2014	DAVID JESSEN , brother and Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.		
Cont. from	I & A	— \$218,549.11	<p>1. Pursuant to Probate Code § 10800(b), statutory fee base calculation uses the total amount of the appraisal value of the property in the inventory, plus gains over the appraisal value on sales, which have not been included in the statutory fee calculation stated in the <i>Petition</i> as \$7,370.98. Correct statutory fee calculates as \$7,643.62, resulting in an undercharge of \$272.64 in statutory attorney fees. If Petitioner requests the proper amount of statutory attorney fees, need revised proposed order reflecting correct statutory compensation and cash distribution.</p> <p>2. Proposed order does not comply with Local Rule 7.6.1, which provides that orders settling accounts and distributing property shall contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance.</p>
Aff.Sub.Wit.	POH	— \$232,180.80 (\$220,180.80 is cash)	
✓ Verified			
✓ Inventory	Executor	— waives	
✓ PTC	Attorney	— [\$7,370.98] (less than statutory)	
✓ Not.Cred.			
✓ Notice of Hrg	Costs	— \$1,509.94 (filing fee, probate referee, publication, deposit of will;)	
✓ Aff.Mail	W/		
Aff.Pub.	Closing	— \$1,000.00 (for final fiduciary estate income tax return)	
Sp.Ntc.			
Pers.Serv.			
Conf. Screen	Distribution pursuant to Decedent's Will is to:		
Letters 111914	<ul style="list-style-type: none"> • BRIANNA JESSEN – \$25,000.00 cash; • ASHLEY JESSEN – \$25,000.00 cash; • DAVID JESSEN – [\$80,149.94 cash?]; • LARRY JONES – [\$80,149.94 cash?] and automobile. 		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			
			Reviewed by: LEG
			Reviewed on: 11/12/15
			Updates:
			Recommendation:
			File 18 - Galbreath

19 Kimberly G Avitia & Linda V Gomez (GUARD/P) Case No. 14CEPR01097**Petitioner Pacheco, Maria J. Recinos (Pro Per – Paternal Grandmother)****Petition for Appointment of Guardian of the Person**

Linda, 3	<u>NO TEMPORARY REQUESTED</u>	NEEDS/PROBLEMS/COMMENTS:
	MARIA J. RECINOS PACHECO , Paternal Grandmother, is Petitioner.	Note: Petition is as to minor, Linda V. Gomez, only. Maternal Grandmother, Maria E. Avita Perez, was appointed guardian on 02/05/2015. There does not appear to be a vacancy for appointment of guardian at this time.
	<u>Please see petition for details</u>	Note: Petitioner, Maria J. Recinos Pacheco, was ordered visitations with the minor, Linda, every Tuesday and Wednesday from 10am to 4pm, which started on 04/21/2015, and has continued.
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Rocio Gomez (Mother) – Note: Affidavit of Unsuccessful Service states service was unsuccessful because defendant moved.
		2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Maria E. Avita Perez (Guardian) Note: Affidavit of Unsuccessful Service states service was unsuccessful because defendant moved. <ul style="list-style-type: none"> Hector Gomez (Maternal Grandfather)
		Reviewed by: LV
		Reviewed on: 11/12/2015
		Updates:
		Recommendation:
		File 19 – Gomez

Probate Status Hearing

RE: Filing of the Inventory and Appraisal

DOD: 12/17/14	ALENE Y. SOLEY , Surviving Spouse, was appointed Executor with Full IAEA without bond and Letters issued on 4/15/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need Final I&A per Probate Code §8800 or written status report pursuant to Local Rule 7.5.
Cont. from 091615	At the hearing on 4/15/15, the Court set this status hearing for the filing of the I&A.	
Aff.Sub.Wit.		
Verified		
Inventory	Partial I&A No. 1 was filed on 11/4/15 and reflects the decedent's ½ community property interest in real property valued at \$125,000.00.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 11/10/15
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 20 - Soley

Attorney Barry E. Weber (for Petitioner Barbara Arnold)

Petition for Final Distribution on Waiver of Accounting and Allowance of Statutory Commissions

DOD: 2/28/2013		BARBARA ARNOLD , sister and Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. <i>Petition</i> states specific notice of administration under Probate Code § 9050 was not required. Probate Code § 9050 provides notice shall be given, and it does not appear that the exceptions provided in Probate Code § 9054 apply. 2. <i>Petition</i> states notice to the Franchise Tax Board was not required. Probate Code § 9202(c)(1) provides not later than 90 days after the date letters are first issued to a general personal representative, the general personal representative or estate attorney shall give the Franchise Tax Board notice of administration of the estate. <i>Letters</i> issued to Petitioner on 5/27/2015. Need proof of service of notice to the Franchise Tax Board pursuant to Probate Code 9202(c)(1), as there is no exception to this requirement. ~Please see additional page~
		Accounting is waived.		
Cont. from		I & A	— \$200,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH	— \$200,000.00	
<input checked="" type="checkbox"/>	Verified	(no cash; ¼ interest in real property)		
<input checked="" type="checkbox"/>	Inventory	Administrator (statutory)	— \$7,000.00	
<input type="checkbox"/>	PTC	<input checked="" type="checkbox"/>		
<input type="checkbox"/>	Not.Cred.	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney (statutory)	— \$7,000.00	
<input checked="" type="checkbox"/>	Aff.Mail	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Aff.Pub.		Distribution pursuant to intestate succession is to:		
Sp.Ntc.		<ul style="list-style-type: none"> BARBARA ARNOLD – undivided ½ interest in Decedent's ¼ interest in real property; 		
Pers.Serv.		<ul style="list-style-type: none"> JULIE CONROY – undivided ½ interest in Decedent's ¼ interest in real property. 		
Conf. Screen				
<input type="checkbox"/>	Letters	052715		
Duties/Supp				
Objections				
Video Receipt				
CI Report				
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
<input type="checkbox"/>	FTB Notice	<input checked="" type="checkbox"/>		

Reviewed by: LEG
Reviewed on: 11/12/15
Updates:
Recommendation:
File 21 - Conroy

NEEDS/PROBLEMS/COMMENTS, continued:

3. Notice was sent to Julie Conroy "c/o" Petitioner Barbara Arnold. Direct notice is required, even if the notice recipient is under conservatorship, pursuant to CA Rule of Court 7.51(c), unless dispensed with by the Court.
4. Decedent's sister, Julie Conroy, is conserved under the Conservatorship of the Person of Julie Conroy, which was established in Fresno in 1982, and was transferred to Merced County on 2/2/2015, to Merced County Case 15PR-00054. *Waiver of Accounting* attached to the *Petition for Final Distribution* filed 10/13/2015 is signed by Petitioner Barbara Arnold as Conservator of Julie Conroy. *Petition* does not but should inform this Court regarding the existing Conservatorship, providing notification of whether a Conservatorship of the Estate of Julie Conroy exists in Merced County, and should address the protection of Conservatee Julie Conroy's distributive interest from the instant estate, consisting of $\frac{1}{2}$ of Decedent's $\frac{1}{4}$ interest in the real property. Need additional information, proof of a conservatorship of the estate, and/or a revised proposed distribution which includes the distribution of the interest of Julie Conroy to an established conservatorship estate case in Merced County.
5. *Waiver of Accounting* attached to the *Petition for Final Distribution* filed 10/13/2015 is signed by Petitioner Barbara Arnold as Conservator of Julie Conroy. Court may require authority for waiver of an accounting by the Conservator on behalf of the Conservatee, or may require appointment of an independent party or attorney to represent the interests of the Conservatee, Julie Conroy.
6. Pursuant to Local Rule 7.12.4, the Court will not order distribution of real property in undivided interests without the written consent of all distributees. Need written consent of Conservatee Linda Conroy.
7. *Exhibit A* indicates the estate consists of a $\frac{1}{4}$ interest in a 40-acre parcel of land in Madera County. *Petition* does not but should address the method of payment of the statutory commissions and attorney fees since there is no cash on hand in the estate.

22A L. Ruth Buchman Credit Bypass Trust Case No. 15CEPR00609**Attorney Magness, Marcus D. (for Jeri Buchman Weil – Trustee – Petitioner)****Attorney Brennan, Stacey (of Sacramento, for Objectors Jan van Lienden and Jill Buchman)****Petition to Approve: (1) First Account and Report; and (2) Second and Final Account and Report; and Petition for Instructions [Prob. Code §17200(b)(5), (b)(6)]**

Ruth Buchman DOD: 12/9/01	JERI BUCHMAN WEIL , Trustee of the Ruth Buchman Credit Bypass Trust, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Roy Buchman DOD: 12/13/13		
	Account period: 3/19/14 – 12/31/14	Note: On 9/2/15, Jan van Lienden and Jill Allison Buchman filed a Petition for Relief from Breach of Trust (Page C of this calendar). Minute Order 9/8/15: Continued to meet up with the Petition for Relief from Breach of Trust filed 9/2/15.
	Accounting: \$466,358.12	
	Beginning POH: \$459,090.70	
	Ending POH: \$102,042.75	
Cont. from 072815, 090815, 101515	Account period: 1/1/15 – 5/31/15	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting: \$103,977.51	
<input checked="" type="checkbox"/> Verified	Beginning POH: \$102,042.75	
<input type="checkbox"/> Inventory	Ending POH: \$ 70,763.11	
<input type="checkbox"/> PTC	Receipts, Disbursements, Distributions, etc., are detailed in the petition.	
<input type="checkbox"/> Not.Cred.	Trustee waives compensation.	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney: \$26,584.71 (\$16,357.21 during the first account period and \$10,227.50 during the second account period, detailed in attorney's declaration.	Reviewed by: skc Reviewed on: 11/10/15 Updates: Recommendation: File 22A – Buchman
<input checked="" type="checkbox"/> Aff.Mail w	Petitioner reimbursed herself \$12,788.56 during the second account period for funds advanced to the attorney during the first account period because the trust did not recover any assets until November 2014.	
<input type="checkbox"/> Aff.Pub.	Attorney Magness was paid \$10,227.50 for services and costs during the second account period, as detailed in the attorney's declaration.	
<input type="checkbox"/> Sp.Ntc.	William Patterson, CPA, was paid \$1,315.00 during the first account period and \$50.00 during the second account period.	
<input type="checkbox"/> Pers.Serv.	SEE ADDITIONAL PAGES	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

22A

Petitioner states: Ruth and Roy Buchman established the Buchman Trust on 4/7/99. Ruth died in 2001 and under its terms, the trust was divided into two subtrusts: The Survivor's Trust and the Bypass Trust. Roy acted as trustee of both subtrusts until his death on 12/13/13.

On 10/4/07, Roy amended the Trust Agreement to name his new wife, Mary Ruth Buchman as successor trustee to the Survivor's Trust and to provide a pecuniary bequest to Mary Ruth. Roy died 12/13/13.

Upon assuming the role of trustee of the Bypass Trust, Petitioner learned that Mary Ruth had somehow closed all of the Bypass Trust accounts and comingled the Bypass Trust and Survivor's Trust assets. Petitioner engaged legal counsel to recover the assets belonging to the Bypass Trust, and through their respective counsel, Petitioner and Mary Ruth were able to negotiate a deal whereby the Bypass Trust was made substantially whole and in November 2014, assets were returned to the Bypass Trust's accounts.

Both subtrusts were to terminate upon Roy's death. Following recovery of the Bypass Trust's assets, Petitioner distributed a significant portion of the trust's assets to the beneficiaries thereof. Mary Ruth also made a preliminary distribution from the Survivor's Trust, but held back approx. 25% of the Survivor's Trust assets.

During the Second Account Period, Petitioner's counsel inquired of Mary Ruth's counsel over her plans to distribute the balance of the Survivor's Trust estate. Mary Ruth's counsel stated it was being held as a reserve in case suit was ever brought to recover real or perceived damages caused by the misappropriation of the Bypass Trust's assets. He suggested that all affected parties enter into a settlement agreement and mutual release and upon execution thereof, the Survivor's Trust assets would be distributed.

A draft agreement was prepared by Petitioner's counsel. Almost immediately after circulating the draft agreement, Mary Ruth fired her second attorney. The other trust beneficiaries then implied that Petitioner or her attorney were somehow guilty of wrongdoing by circulating such a document. Beneficiary Jan Van Lienden also demanded that Petitioner provide a quarterly accounting, which led to the instant petition.

Petitioner states Mary Ruth has conditioned the distribution of the balance of the Survivor's Trust upon an agreement by the remainder beneficiaries that they not sue her. To date, Mary Ruth has not prepared or submitted a formal fiduciary accounting, so it is possible that she continues to hold assets that rightfully belong to the Bypass Trust. Petitioner is in doubt as to whether she, as trustee of the Bypass Trust, should incur expense to compel Mary Ruth to account for her actions as trustee of the Survivor's Trust, to confirm that the Bypass Trust has recovered all asset wrongfully taken by Mary Ruth, and to compel the final distribution of the Survivor's Trust.

SEE ADDITIONAL PAGES

Alternatives: Petitioner states any of the individual beneficiaries of the Survivor's Trust could file such petition on their own behalf, but the beneficiaries of the Bypass Trust could also allege that Petitioner violated her fiduciary duty as trustee of the Bypass Trust for not taking this action on their behalves, as such action would require that they individually bear the expense for such action. Further, if the accounting reveals that the Bypass Trust should recover additional assets, then the beneficiaries could allege that Petitioner violated her fiduciary duty by not recovering same. Of course, the ultimate distribution whether under the Survivor's Trust or the Bypass Trust would be the same, as the remainder beneficiaries and their respective shares are identical.

Therefore, Petitioner requests that this court instruct Petitioner to either file the petition on behalf of the Bypass Trust against the trustee of the Survivor's Trust, or alternatively, not to file such petition, leaving the burden on the individual beneficiaries to seek such relief.

If the Court instructs Petitioner to compel the trustee of the Survivor's Trust to account, then Petitioner will comply with said instructions and termination of the Bypass Trust will be delayed until that action is resolved. If this court instructs Petitioner to not file such petition, then Petitioner plans to terminate the Bypass Trust and distribute \$15,000.00 to each beneficiary, holding \$15,000.00 as a reserve to cover final costs of administration.

Petitioner prays for an order as follows:

- 1. The First Account and Report of Petitioner be settled, allowed and approved as filed;**
- 2. The Second Account and Report of Petitioner be settled, allowed and approved as filed;**
- 3. That all acts and proceedings of Petitioner as trustee be confirmed and approved;**
- 4. That this Court instruct Petitioner, acting in her capacity as trustee of the Bypass Trust, to either file, or not file, a petition to compel Mary Ruth to account for her actions as trustee of the Survivor's Trust, to confirm that the Bypass Trust has recovered all assets wrongfully taken by Mary Ruth, and to compel the final distribution of the Survivor's Trust; and**
- 5. For all other orders that are just and proper.**

Examiner's Note: If Petitioner is instructed to file a petition to compel Mary Ruth to account, such petition should be filed as a separate case for the Survivor's Trust pursuant to Local Rule 7.1.2.

SEE ADDITIONAL PAGES

Objection filed 7/27/15 by Jan van Lienden and Jill Buchman states Petitioner's actions, specifically her need to "be in control," have wasted approx. \$50,000.00 of trust assets in payment of attorneys' fees that would not have been needed but for Petitioner's demand to serve as trustee of the Bypass Trust. Following their father's death in December 2013, his surviving spouse, Mary Ruth Buchman, informed Objectors that her attorney advised her that she was the successor trustee of the Survivor's Trust and the Bypass Trust. After receiving trust documents, Morgan Stanley recognized Mary Ruth as trustee of both trusts, confirmed that the beneficiaries were identical, and recommended that the accounts be consolidated. Mary Ruth informed Objectors that the broker combined the accounts without her prior approval. The broker received \$3,400.00 commission on the combination of the accounts which he was subsequently forced to return to the trust.

In March 2014, Petitioner determined that since the Bypass trust was irrevocable, the amendment that appointed Mary Ruth as successor only applied to the Survivor's Trust and the prior appointment of Petitioner still applied to the Bypass Trust. Mary Ruth assured Objectors that she and her counsel would cooperate with Petitioner's request that the Bypass Trust assets be transferred to Petitioner.

However, the accounting indicates that Petitioner continued to spend tens of thousands in attorneys' fees accusing Mary Ruth of misappropriating funds, which in turn forced Mary Ruth to spend thousands from the Survivor's Trust to defend herself.

As successor trustee of the Bypass Trust, Petitioner had a fiduciary duty to take actions to preserve the trust assets for all beneficiaries, and spending in excess of \$27,000 to aggressively attack Mary Ruth without cause was not consistent with this fiduciary duty. Petitioner and Objectors are equal beneficiaries of the residue of the Survivor's Trust and Bypass Trust. While Petitioner had a duty to take appropriate steps to ensure the Bypass Trust assets were accounted for, she did not need to spend this much wrestling for control of assets that were all to be distributed to the same beneficiaries.

Objectors provide facts and specific objections and respectfully request that the Court deny the petition as to approval of payment of attorneys' fees, deny Petitioner's request that all acts and proceedings of Petitioner as trustee be confirmed and approved, and deny Petitioner's request for instructions in its entirety.

SEE ADDITIONAL PAGES

Petitioner's Reply filed 8/17/15 states Objectors' argument that Petitioner's acts as trustee were for her own benefit and "need to be in control" and were a waste of trust assets completely lacks substance. Jeri accepted the trusteeship and has dutifully acted in such capacity. When she accepted the trusteeship, she discovered that all assets held at Morgan Stanley had been moved to the Survivor's Trust and were under the control of Mary Ruth. She then undertook to unwind the transfer and ensure the assets were protected for the beneficiaries. Objectors take issue with her successful recovery of the Bypass Trust assets and characterize her efforts as aggressive. Apparently, Objectors would have had her do nothing to recover the assets transferred to the Survivor's Trust. According to Objectors, since the beneficiaries are the same, such recovery was unnecessary. This position ignores reality. If Jeri had taken no action to marshal the Bypass Trust assets, Mary Ruth *could* have absconded with the funds. Certainly, had the assets disappeared, Objectors would now be suing Jeri. Such a position creates a catch-22 and files in the face of Jeri's well established fiduciary duties. Jeri notes that the attorney for Mary Ruth and Objectors are the same law firm.

Petitioner states Objectors mischaracterize the efforts undertaken by Jeri to regain control of the assets and contend that somehow Jeri's actions needlessly increased attorneys' fees. See Reply for specific inaccuracies including reference to communications, etc. Petitioner states Objectors put much stock in the fact that Mary Ruth was advised by counsel to combine the trust assets. Assuming, *arguendo*, that this assertion is even true, it does not obfuscate the fact that commingling assets was wrongful and violated the terms of the trust. At best it creates a malpractice claim by Mary Ruth against her attorney in the event she is surcharged or found liable for damages to the Bypass Trust.

Petitioner states she is bound by her fiduciary duties to administer the trust according to its terms, take steps to control and preserve assets, keep property separate, enforce claims. Objectors would have Jeri ignore her fiduciary duties, allowing another person to control Bypass Trust assets, and essentially do nothing to carry out her duties, and apparently would rather risk having assets dissipated than pay attorneys fees to ensure they are protected.

Jeri did not benefit by serving as trustee. She waived all compensation. Objectors do not state how Jeri benefitted. The accounting confirms that Jeri even advanced her own funds to recover assets. See Reply for replies to specific objections.

Petitioner states Objectors fail to point to any grounds for refusing to approve the First or Second Accounts. Objectors mischaracterize Jeri's actions to perform her fiduciary duties as her "desire for control," which is disingenuous and should not distract the Court from granting the relief requested in the petition. There is no legal argument that the fees expended were not for the benefit of the beneficiaries. Assets were recovered and promptly distributed. Jeri's petition should be approved as prayed.

22B**Attorney
Attorney****L. Ruth Buchman Credit Bypass Trust Case No. 15CEPR00609****Magness, Marcus D. (for Jeri Buchman Weil – Trustee – Petitioner)****Brennan, Stacey (of Sacramento, for Objectors Jan van Lienden and Jill Buchman)****Status RE: Trial Setting**

		JERI BUCHMAN WEIL filed Petition to Approve: 1) First Account and Report; and 2) Second and Final Account and Report; and Petition for Instructions on 6/17/15. JAN VAN LIENDEN and JILL BUCHMAN filed Objections on 7/27/15. At the hearing on 7/28/15, the Court directed counsel to come on 9/8/15 prepared with an agreed upon Tuesday date for trial assignment.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> On 9/2/15, Jan van Lienden and Jill Allison Buchman filed a Petition for Relief from Breach of Trust (Page C of this calendar). 1. Need status re date.
Cont. from 090815, 101615			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 11/10/15	
		Updates:	
		Recommendation:	
		File 22B – Buchman	

22B

Petition for Relief From Breach of Trust

Ruth Buchman DOD: 12/9/01		JAN VAN LIENDEN and JILL BUCHMAN, Beneficiaries, are Petitioners.	NEEDS/PROBLEMS/ COMMENTS:
Roy Buchman DOD: 12/13/13			
Cont. from 101515		<p>Petitioners state their sister, JERI BUCHMAN WEIL, is trustee of the Bypass Trust. Background: Upon their mother's death in 2001, the Buchman Trust was divided into two subtrusts, the Bypass Trust and the Survivor's Trust. Roy Buchman served as trustee of both subtrusts. The Bypass Trust was irrevocable and the Survivor's Trust remained fully revocable by Roy. The Bypass Trust provided that the remaining assets were to be divided equally to Petitioners and Jeri.</p> <p>Roy married Mary Ruth Buchman on 5/15/05 and in 2007 executed an amendment fully restating the terms of the Survivor's trust, which, among other things, distributed their residence and a specific cash gift of \$200,000 to Mary Ruth and named Mary Ruth as successor trustee. He also executed a will naming Mary Ruth as executor. The remaining Survivor's Trust assets were to be divided equally to Petitioners and Jeri.</p> <p>At Roy's death in December 2013, his attorney John Barrus was deceased so Mary Ruth met with his partner. Petitioners believed Mary Ruth was the successor trustee of both subtrusts. On 1/21/14, Petitioners and Jeri received an email from Mary Ruth provided her attorney's information and encouraging her to call him with any questions.</p> <p>On or about 1/23/14, Mary Ruth received a call from AJ Safavi regarding combining the trust accounts. He informed her that the legal department at Morgan Stanley had approved the combination and he was moving forward. Unbeknownst to Mary Ruth at the time, Mr. Safavi received a \$3,400 commission on the account transfer that he was subsequently forced to return.</p>	
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 11/10/15

Updates:

Recommendation:

File 22C- Buchman

Page 2

Petitioners state (Cont'd): On 2/10/15, Petitioners and Jeri received an email from Mary Ruth stating that she now had access to Roy's trust accounts, that she mailed payments to the Central Valley Monument company, and that hopefully the trust would be closed as soon as possible after 6/21/14.

Four months into the trust administration, Jeri's attorney asserted *for the first time* that Jeri was in fact the successor trustee of the Bypass Trust. Unfortunately, instead of agreeing to work with Mary Ruth, Jeri demanded the assets be separated back into two separate subtrust accounts and that Jeri be in control of the Bypass Trust assets. On 4/6/14, Jeri forwarded Petitioners an email from 4/4/14 from Mary Ruth stating she would like to transfer the Bypass Trust information to Jeri as soon as possible, that she was happy to hand it over, that she regretted Jeri had been deprived of taking care of the Bypass Trust, and that she wished the attorney had read things more carefully.

Although it was clear that Mary Ruth was willing to cooperate, Jeri was so aggressive in her approach that Morgan Stanley froze all accounts and it took months to sort through the financial institution's bureaucracy and complete the separation of assets. In August 2014, four months later, Attorney Magness sent Petitioners an email stating that if all goes according to plan, Morgan Stanley will divide the assets and Jeri will have control of the assets that would have been in the account had the commingling not occurred. Petitioners state this was the exact same situation that Petitioners were in on 2/10/14 when Mary Ruth informed them that she hoped to distribute soon after 6/21/14. The only difference was that Jeri's name was on the account and Mr. Magness had billed the Bypass Trust approx. \$10,000 for more than 31.1 hours of attorney time. An additional \$2,794 for 8.1 hours was billed before Jeri finally obtained control of the account.

Petitioners state but for Jeri's actions, the trust assets could have been distributed promptly to the remainder beneficiaries and significant attorney fees would not have been needed.

Notwithstanding the fact that Jeri's petition states that the ultimate distribution would be the same, Jeri spend tens of thousands of dollars from the Bypass Trust on attorney fees and forced Mary Ruth to spend Survivor's Trust assets on attorney fees to unwind Morgan Stanley's unauthorized combination of the accounts and extricate the Bypass Trust assets into a separate account under Jeri's control. None of these fees would have been necessary if Jeri had simply cooperated with Mary Ruth to complete the trust administration. More than \$50,000 that would have been distributed to Petitioners and Jeri has been paid in attorneys' fees from the trusts and Petitioners individually all because of Jeri's actions.

Petitioners state by September 2014, the attacks by Jeri and her husband against Mary Ruth's character became so severe that Mary Ruth retained the Law Offices of Nuttall and Coleman to obtain counsel regarding a possible defamation and harassment suit against Jeri and her husband Doug Weil. A cease and desist letter was sent in September, with response by Jeri's attorney. A second letter was sent confirming that the letter was sent to Jeri and Doug individually and not as trustee, with evidence of their defamatory and harassing behavior.

SEE ADDITIONAL PAGES

Petitioners state (Cont'd): Finally, in March 2015, after preliminary distributions were made from both trusts, counsel for Jeri and Mary Ruth discussed entering into a settlement agreement. Mr. Magness drafted an agreement which was forwarded to Petitioners on 4/1/15. The recitals in the agreement included many erroneous and unnecessary statements, including reference to disputes as to Roy's care prior to his death. Further, the mutual release included language to protect Jeri in her individual capacity from claims by Mary Ruth, Jan, and/or Jill that were unrelated to Jeri's actions as trustee of the Bypass trust.

Petitioners state contrary to Jeri's allegations, Mary Ruth never agreed to sign the Magness agreement. A new agreement was then drafted by Boutin Jones Inc., at Mary Ruth's request, which was sent to Mr. Magness and Petitioners on 5/27/15.

Petitioners state Morgan Stanley was responsible for the commingling, not Mary Ruth. The Boutin agreement contained standard release language. Mr. Magness responded that the Boutin agreement was not acceptable and contained misstatements of fact and "leaves open the possibility of litigation." Jeri chose to be the sole party to refuse to sign the Boutin agreement and instead filed her petition for approval of accounts.

Petitioners state Jeri's actions are inconsistent with that of a prudent trustee. A prudent trustee, after confirming the status of the Bypass Trust assets, would have worked cooperatively with Mary Ruth to carry out the distribution of trust assets according to the terms of the trust.

Petitioners state Jeri breached her duty of loyalty because she failed to act in the best interests of the trust. She and her counsel should have recognized that there was no benefit to Mary Ruth and no detriment to the other beneficiaries that the trust accounts had been combined by Morgan Stanley. After Mary Ruth's specific bequest of \$200,000, Jan, Jill and Jeri were to share equally in the remaining assets. Jeri chose to incur significant fees and delay administration so she could have complete and independent control of the Bypass Trust assets. Her sisters should not bear the cost of Jeri's detrimental actions. Jeri placed her own interest above those of petitioners.

Petitioners state Jeri is personally responsible for the attorneys' fees she incurred. Authority cited. Jeri spent trust assets arguing that Roy's amendment did not affect the appointment of trustee as to the Bypass Trust and she had a right and duty to obtain separate control of Bypass Trust assets. The only person that benefitted from this litigation was Jeri – she was able to be "in control" and obtained a platform and funds to allow her to further humiliate Mary Ruth. Petitioners did not benefit from the attorneys' fees incurred and in fact were harmed by Jeri's actions and should not be forced to bear the cost of her attorneys' fees. Further, Jeri should not be allowed to use trust assets to oppose this petition.

As a proximate result of the trustee's breach of trust, the assets that would have been available to the beneficiaries has decreased by more than \$50,000. But for Jeri's actions, less than \$5,000 would have been paid to attorneys before the residue was distributed.

SEE ADDITIONAL PAGES

Petitioners request:

1. Trustee Jeri Buchman Weil be enjoined from breaching her trust by using Bypass Trust assets to pay attorneys' fees to oppose this petition;
2. Trustee Jeri Buchman Weil be enjoined from breaching her trust by using Bypass Trust assets to pay attorneys' fees pursuing actions in her capacity as beneficiary of the Survivor's Trust;
3. The Court set aside Trustee's prior payments to her attorneys from trust assets;
4. Trustee be compelled to redress her breach of trust by payment of money damages in the amount of \$50,000 or more according to proof, plus interest, to reimburse the beneficiaries for trust assets spent on attorneys' fees and costs;
5. Trustee be compelled to waive compensation during the entire trust administration; and
6. The Court make all other further and proper orders.

23A Athena Rios, Bella Rios, Moses Rios (GUARD/P) Case No. 15CEPR00850

Petitioner: Ezequiel Suarez (pro per)

Petitioner: Angelica Rios (pro per)

Objector: Estevan Valdivia (pro per)

Attorney: Nellie R. Aguilar (for competing petitioner Jesus Vadivia)

Petition for Appointment of Guardian of the Person

Athena age: 9	TEMPORARY EXPIRES 11/16/2015 EZEQUIEL SUAREZ and ANGELICA RIOS , maternal uncle and aunt, are petitioners. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: Note: 23B is a petition for temporary guardianship filed by the paternal grandfather of Moses, Jesus Valdivia. Minute Order of 11/02/2015: continued to meet up with the competing petition of Jesus Valdivia. 1. There were three Notice of Hearings filed on 11/02/2015, all are defective as they do not include Petitioner's name at #1 and what petitioner filed. Therefore, service is defective and Examiner notes #2 and #3 still remain. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Brandon Castillo (father) b. Estevan Valdivia (father) 3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Paternal grandparents of Athena and Bella b. Jesus Valdivia (Moses's paternal grandfather) c. Agatha Valdivia (Moses's paternal grandmother) d. Hermino Rios (maternal grandfather) e. Gloria Padilla (Maternal grandmother)	
Bella age: 8			
Moses age: 5			
Cont. from 110215			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT (LV)	
		Reviewed on: 11/12/2015	
		Updates:	
		Recommendation:	
		File 23A – Rios	

23A

23B Athena Rios, Bella Rios, Moses Rios (GUARD/P) Case No. 15CEPR00850

Petitioner: Ezequiel Suarez (pro per – temporary guardian - maternal uncle)

Petitioner: Angelica Rios (pro per – temporary guardian - maternal aunt)

Attorney: Nellie R. Aguilar (for competing petitioner Jesus Valdivia – paternal grandfather)

Petition for Appointment of Temporary Guardian of the Person

Moses age: 5		<p align="center"><u>TEMPORARY EXPIRES 11/16/2015</u></p> <p align="center"><u>Granted as to Ezequiel Suarez and Angelica Rios</u></p> <p align="center"><u>General Hearing 01/05/2015</u></p> <p>JESUS VALDIVIA, paternal grandfather, is petitioner.</p> <p align="center"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petition is to Moses Rios only.</p> <p>4. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:</p> <p>c. Estevan Valdivia (father)</p> <p>Note: Estevan Valdivia signed a nomination of guardian filed 10/29/2015. If it was his intention to consent to the guardianship he should have signed bottom portion of the form entitled Consent to Appointment of Guardian and Waiver of Notice, GC-211.</p> <p>5. UCCJEA does not provide the last five years of the child's residence.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: LV</p> <p>Reviewed on: 11/12/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 23B – Rios</p>		

23B

24 Illiana Manriquez (GUARD/P) Case No. 15CEPR00884

Petitioner Manriquez, Karen P. (Pro Per – Paternal Grandmother)

Petition for Appointment of Guardian of the Person

Age: 1	<u>TEMPORARY EXPIRES 11/16/15</u>	NEEDS/PROBLEMS/COMMENTS:
	KAREN P. MANRIQUEZ , Paternal Grandmother, is Petitioner.	Minute Order of 09/22/2015 (Temporary Hearing): Ms. Forker is to properly serve the declaration she filed. The Court orders visitation for Ms. Forker every Tuesday and every Saturday from 6pm to 7pm at the McDonald's at Willow and Nees, starting tonight.
Cont. from	<u>Please see petition for details</u>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none">• Paternal Grandfather (Not Listed)
		As to Courtney D. Forker, Mother:
		1. Need proof of service regarding declaration filed on 09/21/2015 pursuant to Minute Order of 09/22/2015.
		Reviewed by: LV
		Reviewed on: 11/12/2015
		Updates:
		Recommendation:
		File 24 - Manriquez

25 Sophia Eliza Beth Zack (GUARD/P) Case No. 15CEPR00898**Petitioner Boos, Roger Keith (Pro Per – Non-Relative)****Petition for Appointment of Guardian of the Person**

Age: 10 months	TEMPORARY EXPIRES 11/16/2015	NEEDS/PROBLEMS/COMMENTS: Minute Order of 10/08/2015: The Court reviews paper-proof of notice sent to Carolyn Zack, mother, via Facebook on 09/25/2015. Additionally, the Court notes that no father is listed on the birth certificate. The Court finds Ms. Zack was noticed for today's hearing. The Court finds due diligence as to the unknown father and dispenses with notice unless his name and whereabouts become known in the future. Mr. Boos is to notice Ms. Zack again in the same manner for the general hearing. 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none">• Carolyn Livonia Zack (Mother) 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none">• Paternal Grandparents (Note Listed)• Maternal Grandfather (Not Listed)• Laurie Cook Canaday (Maternal Grandmother)
	ROGER KEITH BOOS, non-relative, is Petitioner.	
Cont. from	<u>Please see petition for details</u>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	<input checked="" type="checkbox"/>	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/13/2015
		Updates:
		Recommendation:
		File 25 - Zack

Petitioner Jones, Christina (pro per – aunt)

Petition for Appointment of Temporary Guardian of the Person

Shaquille, 14	GENERAL HEARING: 01/11/16		NEEDS/PROBLEMS/COMMENTS:
Raymond, 15	CHRISTINA JONES , aunt, is Petitioner.		
Jaharri, 5	Father (Raymond): WILLIAM WORTHAM – deceased		This Petition is for Raymond & Jaharri only.
	Father (Jaharri): WAHEED T. ADAMS – Declaration of Due Diligence filed 11/06/15		
Cont. from			Darneisha Johnson (cousin) filed a Petition for Guardianship of Shaquille that is set for hearing on 12/07/15.
Aff.Sub.Wit.			
✓ Verified			1. Need Notice of Hearing for temporary hearing on 11/16/15.
Inventory			
PTC			2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice for Waheed T. Adams (Jaharri's father) – <u>unless diligence is found.</u>
Not.Cred.			
Notice of Hrg	x	Paternal grandparents (Raymond): LOUIS WORTHAM MINNIE PERCY	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.		Paternal grandparents (Jaharri): UNKNOWN	
Pers.Serv.	x		
✓ Conf. Screen		Maternal grandfather: RAYMOND RICHARDSON	
✓ Letters		Maternal grandmother: THELMA FLANNINGAN	
✓ Duties/Supp			
Objections		Petitioner states [see file for details].	
Video Receipt			
CI Report			Reviewed by: JF Reviewed on: 11/12/15 Updates: Recommendation: File 26 – Wortham & Richardson
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Attorney

Bagdasarian, Gary G. (Court Appointed for Conservatee)

Attorney

Rindlisbacher, Curtis D. (for Jacklyn M. Meador – daughter/Petitioner)

Petition for Appointment of Probate Conservator

Age: 86		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		<p>JACKLYN M. MEADOR, daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia powers (specific dementia powers not specified, missing attachment).</p> <p>Voting rights affected.</p> <p>Petitioner states: [see file for details].</p> <p>Court Investigator Jennifer Daniel filed a report on 11/06/15.</p>		<p>Court Investigator advised rights on 10/20/15.</p> <p>Voting rights affected need minute order.</p> <ol style="list-style-type: none"> 1. The petition is missing the Attachment Requesting Special Orders regarding Dementia. 2. If Public Guardian is appointed, need revised Order and Letters. 	
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail w/				
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv. w/				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
✓	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
✓	Citation				
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 11/13/15	
				Updates:	
				Recommendation:	
				File 27 - Salas	

Petition for Appointment of Probate Conservator

Age: 20		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>ANAHIT MADATYAN and ARTEM STEPANYAN, parents, are Petitioners and request appointment as Co-Conservators of the Person with medical consent powers.</p> <p>Voting rights affected.</p> <p>Petitioners state: [see file for details].</p> <p>Court Investigator Jennifer Young filed a report on 11/09/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 11/03/15.</p> <p>Voting rights affected, need minute order.</p> <p>1. Need receipt from both petitioners for viewing Conservatorship video.</p>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			w/
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			x
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 11/13/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 28 – Stepanyan</p>				

29 Josephine Barbara Marinaro (Estate) Case No. 15CEPR01006**Petitioner Backlund, Lisa (Pro Per – Daughter)****Petition for Probate of Will and for Letters Testamentary with IAEA with Limited Authority**

DOD: 08/14/2015	LISA BACKLUND , daughter/named Executor without bond, is petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Limited IAEA – o.k.		
	Will dated 08/15/1994		1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1).
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			Note: If the petition is granted status hearings will be set as follows:
<input checked="" type="checkbox"/> Verified	Residence: Fresno Publication: The Fresno Bee		
<input type="checkbox"/> Inventory			<ul style="list-style-type: none"> • Monday, 04/18/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Monday, 02/27/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate: Personal property - \$6,000.00 Real property - \$245,000.00 Less encumbrances - \$41,000.00 Total - \$210,000.00		
<input checked="" type="checkbox"/> Aff.Mail	w/		Reviewed by: LV Reviewed on: 11/13/2015 Updates: Recommendation: File 29 – Marinaro
<input checked="" type="checkbox"/> Aff.Pub.		Probate Referee: Steven Diebert	
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

30 Kenneth Scott Davis (Estate) Case No. 15CEPR01007**Attorney Poochigian, Mark S (for Megan Davis – Petitioner – Daughter)****Petition for Letters of Administration with IAEA**

DOD: 09/16/2015	MEGAN DAVIS , daughter, is requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Monday, 04/18/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Monday, 02/27/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from	Petitioner was appointed Special Administrator of the Estate on 10/13/2015. Letters of Special Administration are set to expire on 11/16/2015.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	All heirs waive bond	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Full IAEA – o.k.	
<input checked="" type="checkbox"/> Aff.Mail	Decedent died intestate	
<input checked="" type="checkbox"/> Aff.Pub.	Residence: Fresno Publication: The Business Journal	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Estimated value of the Estate:	
<input type="checkbox"/> Conf. Screen	Personal Property - \$151,500.00	
<input checked="" type="checkbox"/> Letters	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 11/13/2015
		Updates:
		Recommendation: Submitted
		File 30 – Davis

31 Kurt Dewayne Hudson (Estate) Case No. 15CEPR01024**Attorney Walters, Jennifer L. (for Robert Hudson & Mary Ann Hudson – Petitioners – Parents)****Petition for Letters of Administration; Authorization to Administer Under IAEA**

DOD: 09/07/2015	ROBERT HUDSON , father, and MARY ANN HUDSON , mother, are petitioners and request appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS: 1. Petition indicates that all heirs waive bond however no waivers of bond have been filed. Need bond in the amount of \$225,000.00. 2. Need Notice of Petition to Administer Estate. 3. Need proof of service of the Notice of Petition to Administer Estate on the following pursuant to Probate Code §8110: <ul style="list-style-type: none"> • Susan Lee Pollack (Spouse) • Darrell B. Hudson (Brother) • Douglas W. Hudson (Brother) Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Monday, 12/14/2015 at 9:00a.m. in Dept. 303 for the filing of the bond (if required) <u>and</u> Monday, 04/18/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Monday, 02/27/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
<input type="checkbox"/> Inventory	Residence: Fresno	
<input type="checkbox"/> PTC	Publication: The Business Journal	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Estimated value of the Estate: Real Property - \$225,000.00	
<input type="checkbox"/> Aff.Mail	Probate Referee: Steven Diebert	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV Reviewed on: 11/12/2015 Updates: Recommendation: File 31 – Hudson